

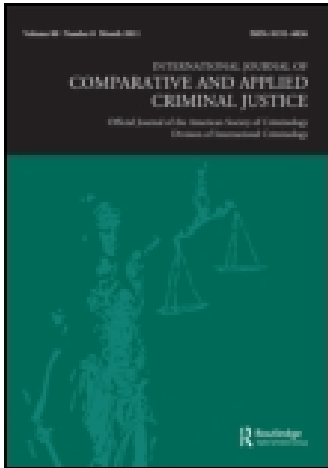
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Japanese Society and Delinquency

HIDEO TOKUOKA^a & ALBERT K. COHEN^b

^a Kansai University, Japan

^b University of Connecticut, U.S.A.

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Japanese Society and Delinquency

HIDEO TOKUOKA
Kansai University, Japan

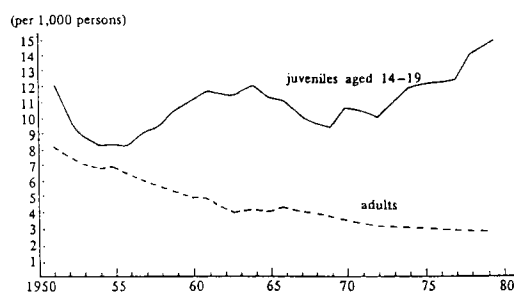
ALBERT K. COHEN
University of Connecticut, U.S.A.

Juvenile crime rates in Japan have been increasing as adult rates decline. The rise is produced mainly by an increase of **minor** offenses in the **youngest** (aged 14-16) age-group of offenders. To some extent this reflects a real change in the behavior of Japanese children. To a greater extent, we believe, it reflects a change in the behavior of the agents of juvenile justice, who are increasingly assuming jurisdiction over behavior that was formerly the responsibility of family, community, and school.

Introduction

In a world preoccupied with the fear of crime, Japan's extraordinarily low crime rates have provoked wonderment, curiosity, and a considerable literature of explanation. The attention is warranted. In fact, while the **absolute number** of adult crimes has hardly changed since 1951, the **rate** has actually declined. However, the crime rate for juveniles aged 14 to 19 is not only five times the adult rate; it has increased considerably since 1969. Our main concern in this paper will be to explain the rising juvenile rate in the face of a declining adult rate. We will first make some remarks on Japanese crime statistics and on processing of juvenile offenders, and then discuss the production of Japanese juvenile crime rates.

Figure 1. General Offenses under Criminal Law
(Excluding Traffic Negligence Causing Death or Bodily Injury),
Juveniles and Adults



Source: White Paper on Crimes (1980), edited by the Research and Training Institute of the Ministry of Justice, Tokyo, p. 227.

The low Japanese crime rates are not an artifact of the process whereby they are compiled. In fact, the Japanese crime statistics probably reflect the underlying reality of crime more closely than do American crime statistics. Japan has not experienced a major revision of laws since 1951 and has maintained uniform, nationwide standards under a single criminal justice system. Generally speaking, Japanese people respect and trust the police, a condition which encourages them to report crimes to the police. About 80 percent of the crimes that are brought to the notice of the police originate through reports of victims, witnesses, or the self-denunciation of offenders. The respect for and trust in the police and the consequent cooperativeness of the citizenry result, in part, in the extraordinarily high clearance rates, much higher for almost all offenses than in the United States—for many offenses two or three times as high.

According to the Juvenile Act of 1948, delinquents are divided into juvenile criminals, law-breaking children, and status offenders.

Although the penal code assigns penal liability to persons over 14, the Juvenile Act provides them with special treatment; the law requires that the police and the public prosecutor refer **all** cases they investigate to the Family Court, the initial intake agency. These are the "juvenile criminal" cases.

Children under 14 are not supposed to have penal liability. The preferred disposition of such "law-breaking children" is treatment in social work agencies set up under the Child Welfare Law. The Family Court takes jurisdiction only as a final resort over extremely serious offenses, cases where confinement is necessary, and in other circumstances that pose special problems of handling. All of these are very rare.

Finally, guided by the spirit of **parents patriae**, the police protect and guide numerous "status offenders," who must have proven misconduct and a strong probability of becoming juvenile criminals or lawbreaking children. Because the Family Court is extremely reluctant to take these noncriminal predelinquents, the police exercise wide discretionary power over them. They terminate many of them with an oath, a warning, or a scolding; some they refer to the Child Guidance Center; a few they refer to the Family Court.

By way of illustration, among cases received by the Tokyo Family Court (excluding cases of Road Traffic Law violations), a little under 98 percent are juvenile criminals; a little over two percent are status offenders; cases of lawbreaking children are negligible.

In this paper, juvenile offenses will refer to juvenile criminals—i.e., criminal offenders over 14 referred to the Family Court.

Socialization in Japan

There has been much written on the sources of conformity in Japan, and there is something like universal agreement that "informal group pressure" plays a very large part. We will take no space here to review or elaborate on that theme. However, it is important to appreciate that the mechanisms that

produce conformity in adults do not operate in quite the same way with children. Ruth Benedict says:

The arc of life in Japan is plotted in opposite fashion to that in the United States. It is a great shallow U-curve with maximum freedom and indulgence allowed to babies and to the old. Restrictions are slowly increased after babyhood till having one's own way reaches a low just before or after marriage. This low line continues many years during the prime of life, but the arc gradually ascends again until after the age of sixty men and women are almost as unhampered by shame as little children are. In the United States we stand this curve upside down. Firm disciplines are directed toward the infant and these are gradually relaxed as the child grows in strength until a man runs his own life when he gets a self-supporting job and when he sets up a household of his own. The prime of life is with us the high point of freedom and initiative. . . . The Japanese increase of restraints upon the man or woman during their most active producing period by no means indicates that these restraints cover the whole of life. Childhood and old age are free areas." (Benedict, 1946, pp. 25-255)

In Japanese folklore, children under seven were held to belong to the kingdom of heaven, properly subject only to God's will; adults had no right to impose their will upon them. They accordingly enjoyed few restrictions and great freedom. Furthermore, during a time of high infant mortality, it did not seem reasonable to invest a lot in the socialization of children before they passed the dangerous period and reached a high probability of survival. (It is consistent with this view that infanticide was the accepted way of family planning.) As Benedict goes on to say: "The serious business of fitting a boy into the circumspect patterns of adult Japanese life does not really begin till after he has been in school for two or three years." (*Ibid.*, p. 272)

This traditional culture still exerts a strong influence over socialization in Japan. By American standards small children are beneficiaries of a generous measure of adult tolerance; they are humored and indulged—in a sense, "spoiled." They are also, however, more dependent than American children on the constant presence, support, reassurance, assistance, and protection of adults. Japanese socialization of small children does not make much of "independence training," and the children are reluctant to venture far from the benevolent oversight of adults. This style of socialization produces and accepts much childish "naughtiness," but it is also laying the foundation for later conformity. The hovering, comforting presence of benign adults produces an individual who needs close, even physical, intimacy and contact with people who love and accept him and can be depended on to take care of him. To maintain such relationships, individuals will subject themselves readily to the discipline and normative expectations of the groups to which they belong. In short, they become the sort of persons who are unusually susceptible to "group pressure." As they get older, the group—family, school, work groups—increasingly exploit this susceptibility and demand more and more of them, and in many ways continue to promote the merger of personal identity with

that of the group. For example, almost all junior high and high schools, both public and private, have their own uniforms, school songs, and badges. Students must submit tamely to severe regulations about their hair styles, accessories, the length of trousers and skirts, colors of underwear, belts, socks, stockings, shoes, and so on. They address one another more frequently by family name than in primary schools, suggesting that they are no longer little children entitled to the indulgence proper to little children.

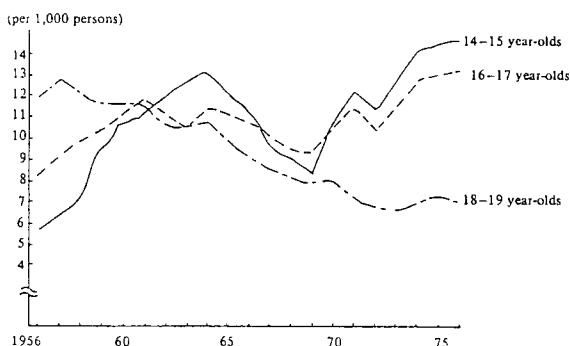
This drastic socialization is a sort of "rite de passage" into adulthood. Japanese youth are subject to many of the same sources of adolescent "storm and strife" as adolescents elsewhere, but the pressures of anticipatory socialization for the disciplines of adulthood are exceptional. Some are alienated, reject these disciplines, and drift into delinquency. However, as in the United States, most of them—even radical college student activists—are eventually reincorporated into traditional organizations and conventional ways.

With this background, let us approach the question of the rise in juvenile delinquency. This increase reflects in part a real change in delinquent behavior; in part, however, it also reflects a change in the behavior of juvenile justice agencies and in the social meaning of delinquency. We will discuss these two sources at some length, even though it is not now possible to measure the contribution of each.

Changing Patterns of Juvenile Crime

We have noted that juvenile crime is increasing while adult crime is decreasing. The same relationship of age to crime can be observed within the population of juvenile offenders. Before the 1960s, the crime rate of juveniles was highest among the 18 and 19-year-olds and lowest among the 14 and 15-year-olds. In 1961 the relationship reversed itself and since the 70s the crime rate of the 14-year-olds has increased to the first rank, that of the 16 and 17-year-olds has increased more slowly and stands second, and that of the 18 and 19-year-olds has actually decreased, just like that of adults.

Figure 2. Crime Rates of Juvenile Criminals, by Age.

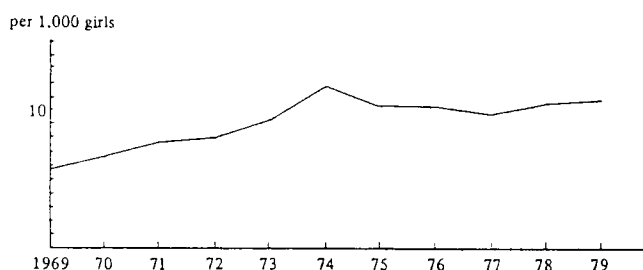


Source: T. Kameyama (1979) "An Essay on Recent Juvenile Delinquency," *Hanzai to Hiko (Crime and Delinquency)*, No. 40, p. 83.

At the same time as this reversal in the relationship of age to crime has occurred, the **character** of juvenile crime has changed. If we plot the absolute numbers in each category of offenses committed by "juvenile criminals" since 1961, we find that no two offenses follow identical patterns. However, the frequencies for homicide, robbery, rape, arson, "violence," fraud, intimidation, bodily injury, extortion, and indecency were all lower in 1980 than in 1961, in most cases drastically lower. For only two offenses—larceny and embezzlement—were they higher; for both offenses, the increase has been steady and sharp since 1970. These offenses consist largely of shoplifting, bicycle thefts, and unauthorized borrowing of unattended bicycles (which constitute "embezzlement" in the eye of the law). In short, serious crimes are down, and the increase in juvenile crime is attributable mostly to minor offenses. (Shopliftings, theft, and embezzlement of bicycles now amount to about 40% of all Tokyo Family Court cases!)

Finally, we note that the juvenile crime rate for 14 to 19 year old girls also increased since 1961, although it was fairly stable from 1971 to 1980.

Figure 3. Female Delinquents, 14 to 19 Years Old,
Received by Tokyo Family Court.



Source: Computed by H. Tokuoka on the basis of Annual Reports of Tokyo Family Court.

The three trends are obviously interrelated. To explain the increase in juvenile crime is to explain the increase in minor offenses of girls and of fourteen and fifteen-year-old boys, especially the latter.

We propose that these changes reflect, in the main—although not altogether—not a change in the behavior of young people but a shift in the locus of social control and a concomitant change in the definition of juvenile delinquency. More specifically, social control of the young has begun to rely more on the formal controls of the legal system and less on the informal controls of the family, the community, and the school. This shift would represent an example of Black's thesis that "law varies inversely with other social control" (Black, 1976). Much of the behavior that is today referred to as delinquent and sedulously tracked down by the police was formerly regarded as irrelevant to the public administration of the law. We mentioned earlier that

police discover only about twenty percent of all exposed crimes by their own efforts. In the case of juveniles it is much higher—one source says 49 percent—which suggests that police activity is more intensive in the discovery of juvenile crime. But before we enlarge upon this theme, let us consider some of the changes that have been occurring in the other social control settings.

The Family

Since 1960 Japanese society and families have drastically changed. Industrialization and the failure of the housing supply to keep pace with the growth of population have promoted the nuclear family pattern, resulting in a sharp curtailment of adult socializers and overseers of children's behavior in the same household. Also, industrialization has separated the father's place of work from his family and residence. It has become common for fathers, unaccompanied by their families, to be transferred by their employers for extended tours of duty in new posts. Even in agricultural areas, farmers have changed from full-time to part-time farmers, with jobs some distance from home and farm. Furthermore, exhausted by the strain of their jobs, a long working day, and the strain of commuting sometimes a considerable distance in crowded trains, fathers often have little inclination or aptitude to perform the role of socializer after work.

At the same time, mothers are increasingly likely to be employed away from home, and, therefore, to have less time to protect, supervise, and interact with their children. The increasing divorce rate as well contributes to the absence of the father and the need of the mother to work.

Where the mothers have not gone out to work but have stayed home, the quality of the parent-child relationship has also changed, because of the disappearance of the extended family household, fewer children per family, the increased free time of the housewife, and the absence of the husband. Increasingly, then, the mother is alone, except for her children (on the average, two), and tends to seek her emotional fulfillment in her relationship to her children. The mother's overprotectiveness and intimacy tend to intensify the mother-child bond and inhibit the child's independence. The father is pushed into an even more peripheral role and the Japanese family approximates, in a functional sense, a fatherless one. What is the effect of this unusual constellation on social control? It would seem likely that, because of their strong emotional ties to their mothers and the isolation of their fathers, boys will identify less with their fathers, and the opportunity for the internalization of social norms through that mechanism will be weakened. It is also likely that this family emotional constellation has contributed to school phobias and sons' violence toward parents. It has clearly contributed to an increase in mother-son incest. When Americans think of incest, they think of fathers and daughters; in Japan one thinks of mothers and sons. Of course, this topic is among the most secret of social problems, so it is very difficult to deal with statistically, but many books and magazines portray

mother-son incest in the form of "I" stories, confession novels, or reminiscences. Many Japanese are now convinced that mother-son incest is now more common than father-daughter incest.

Incest can hardly be considered, in a quantitative sense, a major form of deviance; we mention it here because it is eloquently symptomatic of the interactional patterns and emotional structure of many Japanese families. The implications of these changes in family relationships are not always obvious and are a subject of some debate. Some say that family violence is a result of sons' efforts to cut the maternal ties that thwart independence. Another view is that, although sons need a strong masculine figure to compete with and overcome in order to achieve a sense of manhood, they cannot find such persons in their families any more; this may lead to deep anxiety, unfocused rage, compulsive pseudo-masculinity, and outbursts of violence. As to school phobias, these would seem to be quite unremarkable in the light of the developing closeness of the mother-child relationship and consequent separation-anxiety.

As to recorded delinquency, it would seem that changes in the family have probably contributed directly to the motivation of some forms of delinquency, but these are mostly of statistically rare varieties. On the other hand, it is clear that changes in family structure have, on balance, reduced its effectiveness as an agent of socialization and control, especially of younger children. We surmise, too, that since parental protection and supervision were formerly applied more stringently to girls than to boys, the weakening of these functions impacts more upon girls than upon boys.

The Community

In traditional society with its high birth and mortality rates, families co-operated in child-rearing. Partly it was a matter of expediency; many of the tasks of raising a family are greatly facilitated if neighboring families share the work and exchange services on a basis of reciprocity. Partly it was because neighbors had a stake in the conduct of one another's children. In the relatively static prewar society, children were expected to become lifelong residents of the same community. Neighbors could not, therefore, overlook juvenile misconduct. Bad children could be very costly to their neighbors. Partly it was also because exchanging children at times and participating in the supervision of one another's children helped to mitigate some of the consequences of overindulgence by true parents. In any event, surrogate parents, being lifelong members of the same community as the parents, socialized their charges to the same values and in the same way as the parents. In short, the socialization and control of children were among the important functions of the community itself.

Communities have very largely lost these functions. The high mobility caused by industrialization has damaged the solidarity of local communities. The marked improvement in infant mortality has brought greater parental commitment to child rearing. The growth of a cash economy and the avail-

ability of labor saving devices have reduced the dependence of parents on neighbors. A consequence of the decline in reproduction rates is that neighboring families are less likely than in the past to have in common the presence of young children in the household, and this tends to undermine the basis for the reciprocity that helped to sustain cooperation among those families. Differences in values make parents reluctant to give neighbors charge of their children. Community members are not as sensitive to neighbors' children and as interested in shaping their conduct because they are more inclined to think of the neighbor relationship as transitory. Socialization and social control of children are increasingly a private family affair. With the decline of community, a truly powerful mechanism of socialization and social control has been greatly weakened.

The School

The Japanese school used to be a powerful agency for moral education. School teachers were among the most respected persons and had a profound moral influence over pupils and communities. Schools themselves were collectivities with which pupils identified and that exercised broad jurisdiction over the conduct of their pupils, in school and out. There is still some validity to this picture, when we compare Japanese with American schools. Schools and teachers, however, have now become primarily conveyors of scholastic knowledge. Higher education, especially graduation from top-rank universities, has become the most important gateway to a successful life, and this has effectively shaped the entire system of education through the completion of high school. In 1955, the proportion of all youths of the same age who went on to high school was about 50 percent, but it increased to 70 percent in 1965, to 80 percent in 1970, and to 94.2 percent in 1980. While the proportion of all college and university matriculants was constant at about 30 percent of all youths of the same age from 1965 to 1969, it rose to 47.6 percent in 1976. By 1980 it had declined, but only slightly, to 45.5 percent. That is, about half of all high school students have been driven into the heated competition for higher educational opportunities. The priorities of the schools have changed. They are expected above all to concentrate on preparing students for the "examination hell" that will determine their admission to a university. And large number of junior high school students and even primary school students attend after-school private preparatory schools teaching them how to succeed in the entrance examinations for schools of higher grade.

Scholastic competency for higher education is the paramount scale for evaluating juveniles in the schools. It is applied in every area of their activities. This overwhelming focus on a single criterion of success—and one which is inherently and fanatically competitive—inevitably sets the scene for failure and disappointment which may, however, have different effects on different kinds of students. For example, there are high-achieving students whose everyday life is organized around competition for a successful school career and who have little experience in other areas, especially organized,

gregarious activities. When such students meet with frustration in the area of academic achievement, they tend to move toward some form of nonsocial, perhaps neurotic reaction—that is to say, not supported and ratified by a group—such as violence against their parents or school phobias.

The low-achieving junior student who simply cannot grasp the work and lags behind the rest of the class is likely to be completely ignored, to be bored and humiliated, to neglect his lessons, to disturb his classes, often to drop out of school, to join groups of kindred spirits, to commit violence in the schools. Teenagers arrested for reckless driving and school outcasts often express, in frank and explicit language, their desire for response and recognition and their distress at being neglected: "Nobody noticed me," or even "The teacher did not scold me." The majority of reckless drivers and motor gang members are now senior high school dropouts or junior high graduates, at a time when more than 90 percent of young people go on to senior high school.

The net effects of the school experience on delinquency are not easy to sort out. To some extent frustration, resentment, and anger provide direct incentives to delinquency although, as we have noted, there is little evidence of a real increase in the more serious forms of delinquency. On the other hand, the grim concentration of the schools on the preparation of students for college entrance examinations also creates incentives to conformity. Most students, spurred on, in large part, by their parents, are seriously committed to academic achievement, and the discipline that this commitment entails must be a powerful force for conformity. Their aspirations are high; their investments are large; they have too much at stake to jeopardize it through delinquency. For those, however,—and their numbers appear to be growing—who see themselves as failures, the very same system is frustrating, humiliating, isolating. As noted, this may provide, to some extent, a direct incentive to delinquency. The experience of frustration, rejection, and failure has another effect, however, one that is less debatable. It weakens and undermines, in the language of Travis Hirschi's control theory, attachment to the school, commitment to education, and the authority of the school as a teacher of moral belief, and thereby the "social bonds" that make possible the school's role as an agency of social control.

It is worth noting that violence among students and students' violence against teachers are much more frequent in junior high schools than in senior high schools. Junior high school education is obligatory and school authorities are not allowed to expel students even when they commit violent acts. In senior high schools, on the other hand, authorities can expel students who commit violent acts. This suggests that the difference in the rates of violence is a simple function of the certainty of punishment. However, it is also possible that junior high school students may be more prone to violence in the schools because they cannot leave the scene that creates the propensity to violence, whereas, having completed junior high school, some of them will not return, thereby reducing the numbers of students prone to violence. We are unable to weigh the relative weight of these two factors, but we think

it likely that both of them together help to account for the greater proportion of school violence in the junior high schools.

Conclusion

We have already alluded to the intensity of police activity in locating juvenile offenders. This activity responds to the increasing public preoccupation with teenagers' problems, but it is a willing response, because the police are spending less time on adult crime and on serious juvenile crime. There is idle capacity for "early detection" and "early treatment" of juvenile offenders. One consequence, as we have remarked, is increasing arrests of children for behavior that was formerly not considered the business of the police. It was recently revealed that some schools had handed lists of students' names to police in the name of prevention of delinquency, and that police had secretly investigated juveniles on these lists who had "bad" reputations. In Japan, this is a marked departure from past practice and was considered a scandal, but it is symptomatic of what is happening.

The tide of public opinion and the availability of police resources begin to form a vicious circle. The number of teenaged arrests increases and this becomes a self-fulfilling prophecy, in that it confirms belief in the rising tide of juvenile delinquency, it produces an even higher level of public anxiety about delinquency, and results in more law enforcement activity, more arrests. Although we have gone to some pains to note that there is evidence of increases in minor forms of delinquency among 14 to 16-year-old children, the evidence is even stronger for a substantial decline in the effectiveness of traditional agencies of social control and for an increasingly proactive ferreting out of crime by the police. This, we think, more than an increase in criminal conduct, accounts for the increase in crime that appears on the statistical record.

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